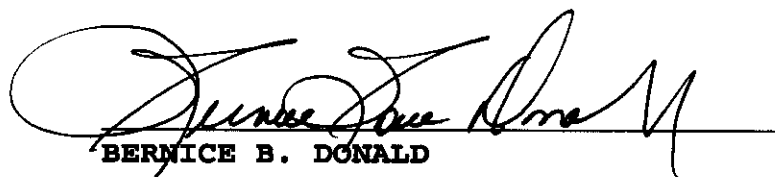


March 16, 2005, which motion was denied. At a status conference before Judge Donald on May 23, 2005, Beverly Hart renewed her motion *ore tenus* for appointment of counsel. The court granted reconsideration of the order denying the motion for appointment of counsel and took it under advisement. The motion is still pending. The court has not been successful in locating new *pro bono* counsel.

In *Cavanaugh v. Cardinal Local Sch. Dist.*, 409 F. 3d 753 (6th Cir. 2005), decided May 18, 2005, the Sixth Circuit held that "non-lawyer parents may not represent their child in an action brought under the IDEA." *Id.* at 756. The court went on to state that a child's right to FAPE is that of the child's alone and not the parents, *id.* at 757, and therefore the parents could not represent the child in a claim for denial of FAPE.

Based on *Cavanaugh*, Beverly Hart cannot represent Carol Hart in this matter. Beverly Hart is given two weeks, until Thursday, November 3, 2005, at 10:00 a.m. to retain counsel for Carol Hart. Meanwhile, Beverly Hart shall not file any more motions, pleadings, memoranda, attachments, letters, or copies of letters in this cause, and the clerk is directed not to accept for filing any further matters on behalf of Carol Hart unless filed by an attorney licensed to practice in this district.

IT IS SO ORDERED this 21st day of October, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 70 in case 2:03-CV-02845 was distributed by fax, mail, or direct printing on October 28, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT